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10 Sun Microsystems, Inc.

11   UNITED STATES DISTRICT COURT

12   NORTHERN DISTRICT OF CALIFORNIA

13   SAN FRANCISCO DIVISION

14

15 NETWORK APPLIANCE, INC.,   CASE NO. 3:07-CV-06053 EDL

16   Plaintiff - Counterclaim   **DECLARATION OF CHRISTINE K.
            Defendant,   CORBETT IN SUPPORT OF SUN
                                                MICROSYSTEMS, INC.'S *EX PARTE*
17   v.   APPLICATION TO SHORTEN TIME FOR
                                                HEARING ON SUN'S MOTION FOR A
18 SUN MICROSYSTEMS, INC.,   PARTIAL STAY OF THE CASE PENDING
                                                REEXAMINATION OF UNITED STATES
19   Defendant -   PATENT NOS. 5,819,292, 6,857,001 AND
            Counterclaimant.   6,892,211**

20
                                                **Date: TBD
21   Time: TBD
                                                Courtroom: E, 15th Floor
22   Hon. Elizabeth D. Laporte**

23   I, Christine K. Corbett, declare:

24   1.   I am an attorney at law duly licensed to practice before this Court and am a partner

25 with the law firm of DLA Piper US LLP, attorneys for Sun Microsystems, Inc. ("Sun"). I have

26 personal knowledge of the matters set forth herein and, if called as a witness, I could and would

27 competently testify thereto.

28
                                           -1-

1   2.   On April 9, 2008, I asked whether Network Appliance, Inc. ("NetApp") would

2   stipulate to a stay of this case with respect to United States Patent Nos. 5,819,292, 6,857,001 and

3   6,892,211 (collectively, the "Reexam Patents"). In that same letter, I also asked whether NetApp

4   would agree to have Sun's motion to stay heard on an expedited basis if NetApp would not agree

5   to stipulate to a stay. Attached hereto as **Exhibit A** is a true and correct copy of my April 9, 2008

6   correspondence to NetApp's counsel, Jeffrey Homrig.

7   3.   On April 11, 2008, Mr. Homrig sent me an e-mail correspondence, requesting

8   additional information regarding the scope of the partial stay. Attached hereto as **Exhibit B** is a

9   true and correct copy of Mr. Homrig's April 11, 2008 e-mail correspondence to me.

10   4.   That same day, I responded to Mr. Homrig, indicating that Sun requests a stay of

11   the litigation with respect to the Reexam Patents until, as to each patent, the United States Patent

12   and Trademark Office either issues its final office action regarding the patent, or issues a

13   reexamination certificate as to the patent. Attached hereto as **Exhibit C** is a true and correct copy

14   of my April 11, 2008 e-mail correspondence to Mr. Homrig.

15   5.   On April 14, 2008, Mr. Homrig sent me an e-mail correspondence indicating that

16   NetApp does not consent to the partial stay and does not agree to an expedited motion schedule.

17   Attached hereto as **Exhibit D** is a true and correct copy of Mr. Homrig's April 14, 2008 e-mail

18   correspondence to me.

19   6.   Sun has fully complied with Civil Local Rule 37-1(a).

20   7.   I am unaware of any previous time modifications in this case.

21

22   I declare under penalty of perjury under the laws of the United States of America that the

23   foregoing is true and correct.

24

Dated: April 15, 2008.

25

26   _Christine K. Corbett_
CHRISTINE K. CORBETT

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